

IN THE DRAWINGS:

Please substitute the enclosed FIGS. 1-5, FIGS. 6a-6c, FIGS. 7a, 7b and FIG. 8, as originally filed.

REMARKS

Claims 1-30 are pending. Claims 1, 3, 5, 11, 13, 20, 23 and 25 are requested to be amended. No new matter has been introduced. Reexamination and reconsideration of the application are respectfully requested.

In the May 18, 2007 Final Office Action, the Examiner objected to the drawings. The Applicant has enclosed a replacement FIGS. 1-5, FIGS. 6a-6c, FIGS. 7a, 7b and FIG. 8 as originally filed. Replacement sheets are enclosed herein to provide more legible copies than those originally submitted. Redline drawings are not being submitted because no changes or amendments have been made. Applicant has also enclosed a Petition for Extension of Time under 37 CFR 1.136 (a).

The Examiner rejected claims 1, 2, 5, 10-12, 18-22, 25, 28, and 30 under 35 U.S.C. §102 (b) as being anticipated by Lamb, U.S. Patent No. 5,382,240 (hereinafter the Lamb reference). The Examiner rejected claims 6, 15, and 26 under 35 U.S.C. §103 (a) as being obvious over Lam in view of Tal (US2003/0153874). The Examiner rejected claims 7, 16, and 27 under 35 U.S.C. §103 (a) as being obvious over Lamb in view of Maclean Crawford et al. U.S. Patent No. 6,659,984 (hereinafter the Maclean Crawford reference). The Examiner rejected claims 9, 17, and 19 under 35 U.S.C. §103 (a) as being obvious over Lamb in view of Dillon et al. U.S. Patent No. 5,833,670 (hereinafter the Dillon reference). These rejections are respectfully traversed.

The Examiner objected to claims 3, 4, 13, 14, 23, and 24 as being dependent upon rejected base claims, but indicated that such claims would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims. By this amendment, Applicant has rewritten in independent form, and slightly amended for sake of clarity, claims 3, 13, and 23 in accordance with the

Examiner's remarks. Claim 4 continues to depend from amended independent claim 3.

Claim 14 continues to depend from amended independent claim 13. Claim 24 continues to depend from amended independent claim 23. The Applicant believes that rewritten independent claims 3, 13, and 23, and dependent claims 4, 14, and 24 are in condition for allowance.

Independent claim 1, as amended, recites:

A telescopic winged safety needle assembly, comprising:

a hub having a distal end, a proximal end, and an axial through hole;

a cannula joined to said hub adjacent the distal end of the hub;

a cylindrical sleeve having a locking tab attached thereto, said cylindrical sleeve being axially disposed on said hub;

a cylindrical sheath for retaining said hub therein and having a distal end and a proximal end, said hub being slidable along an inner surface of said cylindrical sheath and an inner surface of said cylindrical sleeve from a first telescopic position at which the distal end of said cannula joined to said hub projects beyond the distal end of said cylindrical sheath by a predetermined length, to a second telescopic position at which said distal end of the cannula is protectively contained within said cylindrical sheath, said cylindrical sleeve being separate from and axially disposed on said proximal end of said cylindrical sheath, said cylindrical sleeve being slidable over said cylindrical sheath from said first telescopic position to said second telescopic position;

a pair of flexible wings provided on the outer peripheral surface adjacent the distal end of said cylindrical sheath; and

a first locking mechanism and a second locking mechanism disposed on said assembly, whereby said first locking mechanism releasably locks said hub, said

cylindrical sleeve, and said cylindrical sheath at the first telescopic position, and said second locking mechanism unreleasably locks said hub, said cylindrical sleeve, and said cylindrical sheath at the second telescopic position.

The Examiner rejected claims 1, 2, 5, 10-12, 18-22, 25, 28, and 30 under 35 U.S.C. §102 (b) as being anticipated by the Lamb reference. In so doing, the Examiner stated that “the following claim subject matter is suggested by the Examiner and considered to distinguish patentably over the art of record in this application and is therefore presented to the Applicant for consideration: Examiner suggests that the addition of a specific claim limitation drawn to the sheath and sleeve elements being separate and sliding over each other as seen in Figure 4.”

The Applicant appreciates the Examiner’s suggestion and has amended independent claim 1 to include the following limitation “said cylindrical sleeve being separate from and axially disposed on said proximal end of said cylindrical sheath, said cylindrical sleeve being slidable over said cylindrical sheath from said first telescopic position to said second telescopic position”.

Accordingly, Applicant respectfully submits that independent claim 1, as amended, distinguishes over the above-cited references. Claims 2, and 5-10 all depend directly or indirectly from independent claim 1, as amended. Therefore, Applicant respectfully submits that claims 2, and 5-10 distinguish over the above-cited reference for the same reasons as set forth above with respect to independent claim 1, as amended.

Independent claim 11, as amended, recites limitations similar to independent claim 1, as amended. Specifically, independent claim 11, as amended, recites “said cylindrical sleeve being separate from said cylindrical sheath and ~~slideable~~ slidable over

said cylindrical sheath from said first telescopic position to said second telescopic position". Therefore, independent claim 11, as amended, also distinguishes over the above-cited reference for the same reasons as set forth above with respect to independent claim 1, as amended.

Claims 12, and 15-19 all depend, directly or indirectly, from independent claim 20, as amended. Therefore, Applicant respectfully submits that claims 12, and 15-19 distinguish over the above-cited references for the same reasons as set forth above with respect to independent claim 1, as amended.

Independent claim 20, as amended, recites limitations similar to independent claim 1, as amended. Specifically, independent claim 20, as amended, recites "said cylindrical sleeve being separate from and ~~slideable~~ slidable over said cylindrical sheath from said first telescopic position to said second telescopic position". Therefore, independent claim 20, as amended, also distinguishes over the above-cited reference for the same reasons as set forth above with respect to independent claim 1, as amended.

Claims 21, 22, and 25-30 all depend, directly or indirectly, from independent claim 20, as amended. Therefore, Applicant respectfully submits that claims 21, 22, and 25-30 distinguish over the above-cited references for the same reasons as set forth above with respect to independent claim 1, as amended.

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Applicant believes that the foregoing amendment and remarks place the application in condition for allowance, and a favorable action is respectfully requested. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles telephone number (213) 488-7100 to discuss the steps necessary for placing the application in condition for allowance should the Examiner believe that such a telephone conference would advance prosecution of the application.

Respectfully submitted,

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By: _____



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